

REMARKS

Please reconsider the application in view of the foregoing amendments and the following remarks.

Information Disclosure Statement

Applicants note with appreciation the Examiners thorough consideration of the references cited in the Information Disclosure Statements (IDS) submitted on May 10, 2006, September 21, 2006 and February 20, 2008.

Examiner Interview

Applicant greatly appreciates the courtesy extended by the Examiner in the telephonic interview on July 13, 2009. The Examiner indicated that “***” was a typographical error. The Examiner clarified that the “square-cylindrical containers”, as they represent work piece, were not given patentable weight. However, it was agreed that that the other structural elements in the preamble such as “chainless container transporting device” have patentable weight. It was agreed that because the “container holders” structure, which is a part of the chainless container-transporting device formed between container-transporting means arranged to face parallel with each other, is in the body of the claim and ties the preamble to the body of the claim. The Examiner stated that structural limitation “chainless container transporting device” would be duly addressed in the next Office Action.

As to the Merits

As to the merits of this case, the Examiner sets forth the following rejections:

Claims 1-5, 16, 21, 22, 24 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Carmen** (U.S. 5,090.557).

Claims 6-8 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Carmen** (U.S. 5,090.557) in view of **Hill** (U.S. 4,590,643).

Claims 9-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Carmen** (U.S. 5,090.557) in view of **Proksa** (U.S. Patent 4,863,010).

Claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over **Carmen** (U.S. 5,090.557) in view of **Jacobs** (U.S. 2005/0076613).

Claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over **Carmen** (U.S. 5,090.557) in view of **Lohse** (U.S. 3,017,731).

Each of these rejections is respectfully traversed.

Rejections under 35 U.S.C. §103

The claimed invention relates to a "Chainless Container-Transporting Device" and due to this feature, the device does not use a chain (conveyor).

On the other hand, in the Summary of the Invention of Carmen, it is described that "[t]he present invention provides for a side grip member for a conveyor system adaptable to being connected to a link of a chain conveyor and to provide a relatively rigid gripping surface" (column 1, lines 52 to 55). Also, the chain conveyor is shown by numeral 3 in the Figure 1 of Carmen. Therefore, it is submitted that Carmen describes a transporting device using a chain conveyor.

As stated above, Carmen does not disclose nor suggest the important feature of the claimed invention, and Applicant submits that that the invention in claim 1 is patentably distinguishable from the cited prior art of record. In addition, since all of the other claims depend from claim 1, they too are patentable because they incorporate by reference the patently distinguishable feature of claim 1. Accordingly, Applicant respectfully request that the rejection under 35 U.S.C. §103 be withdrawn.

Conclusion

The Claims have been shown to be allowable over the prior art. Applicants believe that this paper is responsive to each and every ground of rejection cited in the Office Action dated May 8, 2008, and respectfully request favorable action in this application. The Examiner is

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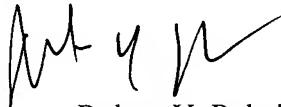
Response under 37 C.F.R. §1.111
Attorney Docket No. 062516

invited to telephone the undersigned, applicants' attorney of record, to facilitate advancement of the present application.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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